

REAL ESTATE BOARD  
MINUTES OF MEETING

September 20, 2007

The Real Estate Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

R. Schaefer Oglesby, Chairman  
Nathaniel Brown (arrived at 9:50 AM)  
Judith L. Childress  
Marjorie Clark  
Carol Clarke  
Florence Daniels  
Scott Gaeser  
Miles Leon  
Byrl Taylor

DPOR staff present for all or part of the meeting included:

Karen O'Neal, Deputy Director  
Nick Christner, Deputy Director  
Christine Martine, Executive Director  
Bonnie Rhea Adams, Director of Complaint Analysis, & Resolution  
Liz Hayes, Fair Housing Administrator  
Earlyne Perkins, Legal Analyst  
Emily Trent, Administrative Assistant  
Sheila Watkins, Administrative Assistant

Tom Payne, Eric Gregory, and Steven Jack from the Office of the Attorney General were present.

Chairman Oglesby called the meeting to order at 9:12 AM.

**Call to Order**

Amanda Healy from Home Opportunities Made Equal (H.O.M.E.) addressed the Board and introduced two new staff members.

**Public Comment Period**

David Fox representing the Virginia Outdoors Foundation addressed the Board asking them to consider adding questions to the disclosure form addressing conservation easements.

No action was taken by the Board.

A motion was made by Ms. Clarke and seconded by Ms Daniels to approve the agenda. The motion passed unanimously. Members voting

**Agenda**

“Yes” were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Daniels to adopt the following minutes: July 5, 2007, Informal Fact-Finding Conference; July 18, 2007, Education Committee Meeting; July 19, 2007, Real Estate Board Meeting, July 19, 2007, Informal Fact-Finding Conference; July 23, 2007, Informal Fact-Find Conference; July 26, 2007, Informal Fact-Finding Conference; August 2, 2007, Informal Fact-Finding Conference; August 6, 2007, Real Estate Board Meeting, August 9, 2007, Informal Fact-Finding Conference; August 23, 2007, Informal Fact-Finding Conference, August 29, 2007, Informal Fact-Finding Conference, and August 29, 2007, Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Liz Hayes, Fair Housing Administrator, updated the Board on the current Fair Housing case load. Ms. Hayes stated that she would like to provide joint training to the new members of the Real Estate and Fair Housing Boards. No action was taken by the Board.

In the matter of **Dexter and Jewel Jones v. Markus Mignat, Prudential Decker Realty and Barbara Wolcott, REB File Number 2007-04251**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Clark and seconded by Ms. Clarke to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **Tracy and Doris Causey v. Teresa Nash, Gerlinmar, LLC, and Mark Highfill, REB File Number 2007-04927**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Daniels and seconded by Ms. Clarke to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting “Yes” were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **Shelby James v. George’s Realty, Inc. and Ray Priola, REB File Number 2007-01497**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Ms. James, the complainant, Ray Priola, the respondent, and Mr. Ray Suttle, Jr., attorney for respondents were present and addressed the Board. All parties agreed to defer the case to the

**Minutes**

**Fair Housing  
Administrators Report**

**Dexter and Jewel Jones  
v. Markus Mignat,  
Prudential Decker Realty  
and Barbara Wolcott,  
REB File Number 2007-  
04251**

**Tracy and Doris Causey  
v. Teresa Nash,  
Gerlinmar, LLC, and  
Mark Highfill, REB File  
Number 2007-04927**

**Shelby James v.  
George’s Realty, Inc.  
and Ray Priola, REB  
File Number 2007-01497**

November 8, 2007 Board Meeting.

The Board considered the matter of **Mark and Charmaine Davis v. Norma Stein, Inc., REB File Number 2007-04253**. A motion was made by Ms. Clarke and seconded by Ms. Daniels to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor. Mr. Oglesby abstained from voting in the matter.

**Conciliation Agreements**

The Board considered the matter of **Peter L. Goldstein v. Juanita Beltran, Cafritz Company & Walter Klinger, REB File Number 2008-00200**. A motion was made by Ms. Clarke and seconded by Ms. Daniels to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Daniels and seconded by Ms. Clarke to approve the Fair Housing Sub-Committee minutes of July 19, 2007. The motion passed unanimously. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Fair Housing Minutes**

Mr. Oglesby turned the position of Chair over to Ms. Taylor and recused himself from the meeting.

**Transfer of Chair**

In the matter of **File Number 2008-00012, Sarah Pratali**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the Board Member. Ms. Pratali, the applicant, and her witness Ms. Robin Crabel were present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Clark to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Ms. Pratali's application for a real estate broker's license due to her failure to show equivalent education of 180 hours which is required to take the Real Estate examination in Virginia. Since Ms. Pratali received her North Carolina license by reciprocity, she did not qualify for a license by reciprocity with Virginia. The motion passed by majority vote. Members voting "Yes" were Childress, Clark, Clarke, Gaeser, Leon, and Taylor. Ms. Daniels abstained from voting in the matter.

**File Number 2008-00012,  
Sarah Pratali**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

Board Member Nathaniel Brown arrived at 9:50 AM.

**Arrival of Board  
Member**

In the matter of **File Number 2008-00366, Robert Kucharski**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the Board Member. Mr. Kucharski, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and approve Mr. Kucharski's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

**File Number 2008-00366,  
Robert Kucharski**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Oglesby did not participate in the discussion or votes related to this matter.

Mr. Oglesby returned and assumed the position of Chair.

**Transfer of Chair**

In the matter of **File Number 2007-04969, Robin Radic**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Radic, the applicant, was present and addressed the Board. A motion was made by Mr. Brown and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Radic's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04969,  
Robin Radic**

In the matter of **File Number 2007-04951, Forest Tinsley**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Tinsley, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Tinsley's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04951,  
Forest Tinsley**

In the matter of **File Number 2007-04968, Shantee Allen**, the Board

**File Number 2007-04968,**

reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Allen, the applicant, was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and deny Ms. Allen's application for a real estate salesperson's license. After reviewing the facts and the nature and seriousness of the crimes and the relationship of the crimes to Allen's ability, capacity or fitness to perform the duties of a real estate salesperson, the Board determined it could not protect the health, safety and welfare of the public. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby and Taylor.

**Shantee Allen**

In the matter of **File Number 2007-05159, Lawrence Fuller**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Fuller, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Fuller's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-05159,  
Lawrence Fuller**

In the matter of **File Number 2007-05160, Sam Zamrick**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Zamrick, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Zamrick's application for a real estate salesperson's license. The motion did not pass. Members voting "No" were Brown, Oglesby, Clark, Clarke, Gaeser, and Taylor. Members voting "Yes" were: Daniels, Leon and Childress.

**File Number 2007-05160,  
Sam Zamrick**

After further discussion a motion was made by Ms. Clarke and seconded by Ms. Daniels to refer the case back for another Informal Fact-Finding Conference with a Board Member as the presiding officer. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2008-00365, David Pintor**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Pintor, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Pintor's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2008-00365,**  
**David Pintor**

In the matter of **File Number 2008-00013, Reina Beasley**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Beasley, the applicant, was present and addressed the Board. A motion was made by Mr. Gaeser and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Beasley's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2008-00013,**  
**Reina Beasley**

In the matter of **File Number 2008-00015, Maryam Hamid**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Hamid, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Hamid's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2008-00015,**  
**Maryam Hamid**

In the matter of **File Number 2008-00016, Suzanne Roscher**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Roscher, the applicant, and her attorney, Thomas Norment were present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-

**File Number 2008-00016,**  
**Suzanne Roscher**

204.B of the *Code of Virginia*, approve Ms. Roscher's application for a real estate salesperson's license with the following amendment. Ms. Roscher's license is subject to an agreement for licensure for a period of two years wherein Ms. Roscher and her broker will provide quarterly reports to the Board. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2008-00030, Arthur Jackson**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Jackson, the applicant, was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Jackson's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2008-00030,**  
**Arthur Jackson**

In the matter of **File Number 2006-02454, Alexander Otis Matthews**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Matthews and his attorney, Mr. Toppelberg were present and both addressed the Board.

**File Number 2006-02454,**  
**Alexander Otis**  
**Matthews**

A motion was made by Mr. Gaeser and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180 B 1 a (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Clarke and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-310 2 (Count 2) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Clarke and seconded by Ms. Childress to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180 C 4 (Count 3) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke,

Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Clarke and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-185 C 3 (Count 4) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Clarke and seconded by Mr. Gaeser to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-260 10 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference in part and to impose the following: a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, and \$1,000.00 for the violation contained in Count 5 for a total monetary penalty of \$5000.00. In addition, for the violation of Count 5 the Board imposed revocation of license. The motion passed by majority vote. Members voting "Yes" were Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor. Member voting "No" was Mr. Brown.

As the Board member who reviewed the file, Ms. Daniels did not participate in the discussion or vote pertaining to this matter. As the presiding Board member, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2006-02779, Alexander Otis Matthews**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board members. Mr. Matthews and his attorney, Mr. Toppelberg were present and both addressed the Board.

**File Number 2006-02779,**  
**Alexander Otis**  
**Matthews**

A motion was made by Mr. Gaeser and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 135-20-180.B.1.a. (Count 1). The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300 9 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-310 2 (Count 3) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 135-20-180.B.1.a. (Count 4). The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-300 9 (Count 5) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Ms. Taylor and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-310 2 (Count 6) of the Board's 1999 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Mr. Leon and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,000.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$1,000.00 for the violation in Count 5, and \$1,000.00 for the violation in Count 6 for the total monetary penalty of \$4,000.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

As the Board member who reviewed the file, Ms. Daniels did not participate in the discussion or vote pertaining to this matter. As the

presiding Board member, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-01942, Alexander Otis Matthews**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board members. Mr. Matthews and his attorney, Mr. Toppelberg were present and both addressed the Board.

**File Number 2007-01942,**  
**Alexander Otis**  
**Matthews**

A motion was made by Mr. Brown and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 135-20-180 B 1 a (Count 1) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260 11 (Count 2) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310 2 (Count 3) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-300 9 (Count 4) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310 2 (Count 5) of the Board's 2003 Regulations, find no violation of 18 VAC 135-20-180.B.1.a. (Count 6) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260 11 (Count 7) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-180 B 1 a (Count 8) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260 11 (Count 9) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-310 2 (Count 10) of the Board's 1999 Regulations, find a violation of 18 VAC 135-20-180 C 4 (Count 11) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-185 C 2 (Count 12) of the Board's 2003 Regulations, find a violation of 18 VAC 135-20-260 5 (Count 13) of the Board's 1999 Regulations, and find a violation of 18 VAC 135-20-260 6 (Count 14) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clarke, Gaeser, Leon, Oglesby and Taylor.

A motion was made by Mr. Gaeser and seconded by Ms. Clarke to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference in part and impose a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,000.00 for the violation in Count 3, \$1,000.00 for the violation in Count 4, \$1,000.00 for the violation in Count 5, \$1,000.00 for the violation in Count 7, \$1,000.00 for the violation in Count 8, \$1,000.00 for the violation in Count 9, \$1,000.00 for the violation in Count 10, \$1,000.00 for the violation in Count 11, \$1,000.00 for the violation in Count 12, \$1,000.00 for the violation in Count 13, and \$1,000.00 for the violation in Count 14 for a total monetary penalty of \$13,000.00. In addition, for the violations of Count 2, Count 7, Count 9, Count 11 and Count 12 the Board imposed revocation of license.

As the Board member who reviewed the file, Ms. Daniels did not participate in the discussion or vote pertaining to this matter. As the presiding Board member, Ms. Clark did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2007-02374, Louise J. Monger**, the Board reviewed the Consent Order as seen and agreed to by Ms. Monger. A motion was made by Ms. Childress and seconded by Mr. Leon to accept the proposed Consent Order wherein Ms. Monger admits to a violation of 18 VAC 135-20-290.2 (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$150.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$300.00. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-02374,**  
**Louise J. Monger**

Mr. Oglesby turned the position of Chair over to Ms. Taylor and recused himself from the meeting.

**Transfer of Chair**

In the matter of **File Number 2007-03177, Joseph Deeds**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Deeds, the applicant, did not appear in person, however, Mr. Deeds did provide a written response to the Summary for the Board's consideration. The Board considered its Regulations: 18 VAC 135-20-60 5 and 18 VAC 135-20-60 9. A motion was made by Mr. Leon and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Deeds' application for a real estate salesperson's license based on the record and review of the facts. The Board is of the opinion that the relationship of Deeds prior regulatory violation and the Board's purpose to protect the health, safety and welfare of the public is significant. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, and Taylor.

**File Number 2007-03177,**  
**Joseph Deeds**

As the presiding Board member, Mr. Oglesby did not participate in the discussion or vote pertaining to this matter.

Mr. Oglesby returned and assumed the position of Chair.

**Transfer of Chair**

In the matter of **File Number 2008-00184, Dennis Spangler**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Childress and

**File Number 2008-00184,**  
**Dennis Spangler**

seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Spangler's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2008-00185, Christy Maxwell-Husky**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Daniels and seconded by Mr. Leon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Maxwell-Husky's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2008-00185,  
Christy Maxwell-Husky**

In the matter of **File Number 2007-04952, Athena Cowell**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Cowell was present and addressed the Board. A motion was made by Ms. Childress and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Cowell's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04952,  
Athena Cowell**

In the matter of **File Number 2007-04954, Lana Jean Gwaltney**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Ms. Taylor and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, and deny Ms. Gwaltney's application for a real estate salesperson's license based upon the record. After reviewing the facts, the nature and seriousness of the crimes and the relationship of the crimes to Gwaltney's ability, capacity or fitness to perform in the duties of a real estate salesperson, the Board is of the opinion it could not protect the health, safety, and welfare of the public if it approved the

**File Number 2007-04954,  
Lana Jean Gwaltney**

application. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

In the matter of **File Number 2008-00014, Brian Wright**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. A motion was made by Mr. Leon and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Mr. Wright’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2008-00014,  
Brian Wright**

In the matter of **File Number 2007-04953, Vanreeka Willis**, the Board reviewed the record which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Ms. Willis was present and addressed the Board. A motion was made by Ms. Clarke and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the *Code of Virginia*, approve Ms. Willis’ application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**File Number 2007-04953,  
Vanreeka Willis**

The Board recessed from 11:05AM to 11:25AM

**Break**

The required changes were made to the Residential Property Disclosure Statement form. A motion was made by Ms. Taylor and seconded by Ms. Clarke to approve the Residential Property Disclosure Statement as amended. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Updated Disclosure  
Forms**

The Board reviewed the final Common Interest Community Management Information Fund (CICMIF) regulations. A motion was made by Ms. Daniels and seconded by Ms. Clarke to adopt the final CICMIF regulations. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Common Interest  
Community  
Management  
Information Fund  
Regulations**

The Board reviewed public comments and the Agency’s response to the comments. A motion was made by Ms. Daniels and seconded by Ms. Clark to approve the Agency responses. The motion passed

**Public Comment and  
Agency Response**

unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

The Board reviewed the final Real Estate Board Regulations and the public comments summary as well as the Agency’s response to the comments summary. A motion was made by Ms. Clarke and seconded by Mr. Leon to adopt the Regulations and Summary as presented. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Real Estate Board  
Regulations and  
Summary**

Ms. Martine will research Real Estate licensing laws in Tennessee to work on a draft reciprocal agreement for the Board’s review.

**Other Business**

Ms. Childress gave the Education Committee Report. A motion was made by Ms. Daniels and seconded by Ms. Clarke to accept the September 19, 2007, Education Committee Report. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

**Education Committee  
Report**

Eric Gregory gave an update concerning the KMG bankruptcy. Chris McGee, Bankruptcy Specialist with the Attorney General’s Office, updated the Board with further details concerning the Chapter 11 Bankruptcy filed by KMG. No action was taken by the Board.

**Old Business**

Eric Gregory introduced Steven Jack to the Board as the new Assistant Attorney General for the Real Estate Board.

**Other Business**

Christine Martine introduced the Board to Emily Trent, the new Administrative Assistant.

The Board discussed its authority to mandate criminal history checks for all applicants as other states have done.

**New Business**

The Board requested staff at the Department of Professional and Occupation Regulation to investigate making criminal history checks mandatory. The motion passed unanimously. Members voting “Yes” were Brown, Childress, Clark, Clarke, Daniels, Gaeser, Leon, Oglesby, and Taylor.

Mr. Oglesby, Ms. Clark and Ms. Clarke gave a report to the Board on the ARELLO meeting held in New York, New York. No action was taken by the Board.

Ms. Daniels addressed the Board concerning advertising on web sites that does not disclose current licensing status. It was agreed that the

subject should be addressed in the REB speaking newsletter. No action was taken by the Board.

The Board recessed for lunch from 12:55PM to 1:05PM

**Lunch**

The Board viewed the presentation from the Office of the Attorney General on Conflict of Interest Act Training.

**Conflicts of Interest Training**

There being no further business, the Board adjourned at 2:00 PM.

**Adjourn**

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R. Schaefer Oglesby, Chairman

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Jay DeBoer, Secretary

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